

REMARKS

In response to the rejection by Dr. Pass of the claims in the application based upon the Budd et al. '108 patent, Applicant's attorney and Dr. Pass discussed the rejection and it was agreed that a Declaration under §132 could be used to clarify the inventorship issues so as to determine whether or not the '108 patent represents prior art of "another" under §102(e). Please note that there is a typo in the Budd Declaration. The correct statutory section is 102(e), not 271(e). To address the Examiner's concern about the previously submitted declaration, it has been reviewed by the additional inventors and an appropriate acknowledgement is filed along with this paper. Kindly reconsider the rejection in light of the new evidence. Applicant's attorney has spent some time reviewing Chisum's commentary on §102(e) and offers two suggestions to further prosecution of this case if reconsideration is not successful.

One possibility would be to file a petition to change inventorship so that there is an identical match between the inventorship in the current case and the original case. This would appear to obviate the objection. The propriety of such a change would have to be explored with the inventors and an appropriate petition prepared, but the Applicant solicits advice from the Examiner as to the effect on examination of such a petition.

Another alternative that suggests itself to the Applicant's attorney would be to have supplemental declarations executed by the appropriate inventors showing that the claims allowed reflects their work and not the work of "another." Such declarations would conform inventorship to that of the original '108 patent or a subset thereof.

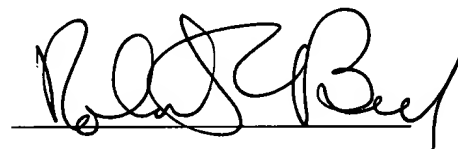
Applicant's attorney invites a call from the Examiner in charge of the application at his convenience when this matter reaches his desk.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
ENDOCARDIAL SOLUTIONS, INC.
By its attorneys:

Date: 6/8/07

A handwritten signature in black ink, appearing to read "Robert C. Beck", written over a horizontal line.

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I, the undersigned co-inventor, have read the facts set forth in the Declaration of Jeffrey Budd dated November 3, 2003 and agree they are true and correct.

Date: _____

Graydon Ernest Beatty

Date: _____

Jonathan Kagan

Date: 7 June 2004

John Anderson Hauck
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I, the undersigned co-inventor, have read the facts set forth in the Declaration of Jeffrey Budd dated November 3, 2003 and agree they are true and correct.

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June 7, 2004
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